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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,098	03/05/2002	Michael Kahn	MATP-622US	5873
23122	7590	04/20/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			VAN HANDEL, MICHAEL P	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/091,098	Applicant(s) KAHN, MICHAEL	
	Examiner Michael Van Handel	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This action is responsive to an Amendment filed 1/29/2007. Claims 1, 3-15 are pending. Claims 1, 5, 9, 13, 15 are amended. Claim 2 is canceled.

### *Response to Arguments*

1. Applicant's arguments regarding claims 1, 5, 9, 13, and 15, filed 1/29/2007, have been considered, but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-15 are rejected under 35 U.S.C. 102(b) as being anticipated by CPC CaptionMaker User's Guide (hereinafter CaptionMaker).

Referring to claims 1, 5, 6, 9, and 13-15, CaptionMaker discloses a set top box/method (p. 6, Closed Caption Encoder/Decoder), comprising:

- a first port (serial or data port) for receiving a data signal (p. 6, connection figure) that represents a plurality of lines of caption text and respective independent amounts of display time for respective to selected lines of the plurality of lines (the examiner

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notes that the text file indicates the start and stop times for displaying the caption text.

The user can also add blank captions and adjust the reading speed of captions)(p. 10, Time Code In, Out, and Text; p. 17, operation grid; p. 21, Send Lines, Clear Caption; & p. 22, Reading Speed);

- a second port for receiving a video signal (video in port)(p. 6, connection figure); and
- a video processor responsive to the data signal for generating a further signal that represents the caption text and for combining the further signal with the video signal to provide an output signal (Video Out of connection figure)(p. 3, CPC-600 Users..., CPC-700 Users...); and
- wherein the video processor includes an on-screen display for converting the caption text into a video image and a memory for holding the selected lines of the captioned text for an amount of time substantially equal to the assigned respective independent amount of display time and the video processor combines the video image and the video signal to form the output video signal (p. 10, Time Code In, Out, and Text; p. 17, operation grid; p. 21, Send Lines, Clear Caption; & p. 22, Reading Speed).

Further referring to claim 9, CaptionMaker discloses a computer including caption text (the CaptionMaker software runs on a computer that contains a script of caption text)(p. 2, Overview & p. 6, connection figure).

Referring to claims 3 and 7, CaptionMaker discloses the set top box/method of claims 1 and 5, respectively, wherein the video processor includes a closed caption encoder for encoding the video signal with the caption text to form the output video signal (p. 6, connection figure).

Referring to claim 4, CaptionMaker discloses the set top box of claim 1, additionally comprising a computer readable carrier that includes computer readable software for use with a computer, wherein the computer readable software causes the computer to transmit the caption text to the first port of the set top box (the computer and caption device are configured to communicate over a COM port)(p. 7, Selecting a Caption/Subtitle Device).

Referring to claim 8, CaptionMaker discloses the method of claim 5, further comprising the steps of receiving, in a video recording device, said output video signal and recording said output video signal onto a video storage medium (p. 3, CPC-600 Users..., CPC-700 Users..., AutoSync... & p. 6, connection figure, Video Connections).

Referring to claim 10, CaptionMaker discloses the video captioning system of claim 9, wherein the computer is responsive to a command from a user to cause the computer to transmit the data signal that represents the caption text to the first port of the set top box (p. 3, CPC-600 Users..., CPC-700 Users..., & AutoSync).

Referring to claim 11, CaptionMaker discloses the video captioning system of claim 9, wherein the computer is responsive to a predetermined keystroke to transmit the data signal that represents the caption text to the first port of the set top box (p. 3, CPC-600 Users..., CPC-700 Users..., & AutoSync).

Referring to claim 12, CaptionMaker discloses the video captioning system of claim 9, wherein the data signal includes caption text information related to at least one of size, color, style, and location of the caption text, and the video processor uses the caption text information in the creation of the output signal (p. 12, Caption Display Modes & p. 13-14, Step 3: Caption Position and Attributes).

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH



SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER